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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/581,146	11/13/2000	Paul Gothard Knutson	RCA88790	4059

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Joseph S Tripoli  
Thomson Multimedia Licensing Inc  
PO Box 5312  
Princeton, NJ 08540

EXAMINER

HOANG, THAI D

ART UNIT	PAPER NUMBER
2667	8

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/581,146	KNUTSON ET AL.
Examiner	Art Unit	
Thai D Hoang	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on Application filed on 11/13/2000.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1,2,6,7,10,11,15,16 and 19 is/are rejected.  
7)  Claim(s) 3-5,8,9,12-14,17 and 18 is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Claim Objections***

Claims 1, 8, 10, 17 and 19 are objected to because of the following informalities:

The statement "may be" recited in claims 1, 10 and 19, is indefinite.

There are double periods at the end of the claims 8 and 17.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6-7, 10-11, 15-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al., US Patent No. 5,719,859, hereafter referred to as Kobayashi.

Regarding claims 1, 6-7, 10, 15-16 and 19, Kobayashi discloses a system called Time division multiple access radio communication system. Kobayashi discloses that the system (fig. 3) comprising: a base station 301 is connected with a communication network 305 by a telephone line; a plurality of mobile stations 302-304 communicate with the base station by TDMA method; fig. 5-7, 12, 29-31, abstract, columns 1-2. Kobayashi does not disclose the system reduces sample size in a time slot when establishing a new TDMA link that would exceed the available capacity. However, Kobayashi discloses that when a mobile station needs to establish a new TDMA

connection, but there is no available timeslot in a time frame, the system arranges low data rate time slots into one time slot that is shared by two or more mobile stations; col. 3, lines 46-50; col. 14, lines 1-21 and 36-47. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify by reducing sample size applied for each mobile station to share with others in one time slot in stead of combining multiple mobile stations that use small sample sizes disclosed by Kobayashi for the same purpose of establishing a new connection when the capacity of the system is limited.

Regarding claims 2 and 11, Kobayashi does not teach that the system uses ADPCM code. However, the ADPCM is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply ADPCM in order to dynamically reduce sample size of each mobile station in a time slot.

***Allowable Subject Matter***

Claims 3-5, 8-9, 12-14, 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to the application:

US Patent No. 5,740,165 A, Vannucci discloses "Wireless TDMA transmitter with reduced interference."

US Patent No. 6,002,673 A, Kahn et al. disclose "Method for channel management in a TDMA communication system."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai D Hoang whose telephone number is (703) 305-3232. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thai Hoang

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 3/31/04